

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TANYA CLEMENT,)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
THE SURGICAL CLINIC, P.L.L.C.,)	
)	
Defendant.)	

DEFENDANT’S NOTICE OF REMOVAL

Defendant The Surgical Clinic, P.L.L.C., (hereinafter “Defendant” or “The Surgical Clinic”) hereby removes this action to this Court pursuant to 28 U.S.C. § 1441(a) and, in support thereof, states as follows:

1. A civil action was filed on September 28, 2020, and is now pending in the Chancery Court for Davidson County, Tennessee, Case No. 20-0974-II, wherein Tanya Clement is the Plaintiff and The Surgical Clinic is the Defendant. (*See* Pl.’s Compl., attached at Ex. 1, and Pl.’s Summons, attached at Ex. 2).

Federal Question Jurisdiction Exists

2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 over this lawsuit.

3. Plaintiff asserts claims under federal law. Specifically, the first count of her Complaint asserts a claim of retaliation under the federal Emergency Family and Medical Leave Expansion Act (“EFMLEA”) and federal Families First Coronavirus Response Act (“FFCRA”). (*See* Pl.’s Compl. ¶¶ 3, 19-24).

4. As such, federal question jurisdiction is pled on the face of the Complaint.

Supplemental Jurisdiction Exists Over Plaintiff’s State Law Claim

5. Plaintiff also pleads a claim under the Tennessee Human Rights Act (“THRA”). (See Pl.’s Compl. ¶¶ 25-27).

6. Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff’s THRA claim.

Removal Is Timely

7. Defendant was served on October 13, 2020.

8. Defendant removed this matter on November 9, 2020, and thus before the November 12, 2020 deadline for removal.

Conclusion

9. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331. The Complaint presents a federal question under the EFMLEA and FFCRA, and the Court has supplemental jurisdiction over Plaintiff’s THRA claim. Therefore, Defendant is entitled to remove this action pursuant to 28 U.S.C. § 1441 (a).

WHEREFORE, Defendant removes this action from state court to this Court.

Respectfully submitted,

/s/ Jonathan O. Harris

Jonathan O. Harris, TN #021508
OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.
401 Commerce Street, Suite 1200
Nashville, TN 37219-2446
Telephone: 615.254.1900
Facsimile: 615.254.1908

Attorneys for Defendant
The Surgical Clinic, P.L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2020, the foregoing was filed electronically with the Clerk of Court to be served by U.S. Mail, *postage pre-paid*, upon the following:

Mathew Zenner
Zenner Law, PLLC
320 Seven Springs Way, Suite 250
Brentwood, TN 37027

/s/ Jonathan O. Harris

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